

# United States District Court

NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

JOSHUA GEORGE NOWLAND,  
TDJC No. 1872681

v.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 3:21-CV-1147-S-BK

## **ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case [ECF No. 4]. An objection was filed by Petitioner [ECF No. 5]. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.


The Court therefore **TRANSFERS** Petitioner's unauthorized successive 28 U.S.C. 2254 habeas application to the United States Court of Appeals for the Fifth Circuit for appropriate action.

Because the Court is transferring the application to the Fifth Circuit, a certificate of appealability (a COA) is not necessary. See *United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015) (“[A] transfer order under 28 U.S.C. § 1631 is not a final order within the meaning of § 2253(c)(1)(B), and the appeal of such an order does not require a COA.”); *Guel-Rivas v.*

*Stephens*, 599 F. App'x 175, 175 (5th Cir. 2015) (per curiam) (applying *Fulton*'s holding to transfer of a successive Section 2254 application).

**SO ORDERED.**

SIGNED June 28, 2021.

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**UNITED STATES DISTRICT JUDGE**